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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,150	12/29/2000	Roger Andersson	1846/01119	8176
3897	7590	06/03/2005	EXAMINER	
SCHNECK & SCHNECK P.O. BOX 2-E SAN JOSE, CA 95109-0005			AN, SHAWN S	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/752,150	ANDERSSON ET AL.	
	Examiner	Art Unit	
	Shawn S. An	2613	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-19, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Remarks*

1. Applicants' Remarks filed 11/15/04 have been fully considered but they are not persuasive. The Applicants present arguments of which neither Chen et al nor Larson et al teach or suggest the following claimed limitations as claimed in claims 1, 12, and 23:

means for establishing for each data packet a control data object storing the time references and data packet status information;

means for establishing for ordered sets of the first data packets corresponding ordered sets of control data object;

means for establishing for ordered sets of the first data packets corresponding ordered sets of control data object storing information pertaining to different logical structures of higher level than the data packets such as frames, sequence of frames, and packetized elementary stream packets;

means for queuing the control data object in different queues dependent on the data packet status or on the status of a group of data packets;

means for selecting from the queues control object associated to data packets to be output in an output stream of data packets;

means for assembling selected control object to a program associated data packets of different data; and

means for assembling data packets associated to the selected and assembled control data object to an output stream of data packets.

However, after careful scrutiny of the Chen et al and Larson et al references, the Examiner must respectfully disagree, and maintain the grounds of rejection for the reasons that follow.

Chen et al does teach an apparatus/method for splicing data streams in MPEG transport streams, the apparatus/method comprising:

means (415, 420, 425) for establishing for each data packet a control data object storing the time references (PCR);

means (405) for establishing for ordered sets of the first data packets corresponding ordered sets of control data object (framer);

means (415) for establishing for ordered sets of the first data packets corresponding ordered sets of control data object storing information pertaining to different logical structures of higher level than the data packets such as frames, sequence of frames, and packetized elementary stream packets (PCR, DTS, R\_v);

means (425) for queuing the control data object in different queues dependent on the data packet status or on the status of a group of data packets;

means (475) for selecting from the queues control object associated to data packets to be output in an output stream of data packets;

means for (470) assembling selected control object to a program associated data packets of different data; and

means for (Fig. 3, 300) assembling data packets associated to the selected and assembled control data object to an output stream (OS) of data packets.

Chen et al does not particularly disclose means for establishing for each data packet a control data object including the data packet status information.

However, Larson et al teaches a packet switching system comprising means for establishing for each data packet a control data object including the data packet status information (abs.).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an apparatus/method for splicing data streams as taught by Chen et al to incorporate the well known concept of data packets comprising the control object including idle (status) packets as taught by Larson et al for an efficient way to splice data bitstreams by utilizing the control data objects and also to handle packet transmission accurately.

Henceforth, the Applicant's arguments regarding claims 1, 12, and 23 are considered moot in view of the discussion directly above.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 11-19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (5,917,830) in view of Larson et al (4,646,287) as previously discussed in the last Office action as filed on 8/11/2004.

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al in view of Wine et al (6,137,834) and Larson et al (4,646,287) as previously discussed in the last Office action as filed on 8/11/2004.

***Allowable Subject Matter***

5. Claims 9-10 and 20-21 are objected to as being dependent upon a rejected base claims 1 and 12, respectively, but would be allowable: if claim 9 or claim 10 is rewritten in independent form including all of the limitations of the base claim 1 and any intervening claims; and if claim 20 or claim 21 is rewritten in independent form including all of the limitations of the base claim 12 and any intervening claims.

**Dependent claims 9-10 and 20-21**, each recites novel features as discussed previously.

The art of records fail to anticipate or make obvious the novel features as specified in the dependent claims 9-10 and 20-21. Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in condition for allowance.

**Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Shawn S An whose telephone number is 571-272-7324.

8. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SHAWN AN**  
**PRIMARY EXAMINER**

5/25/05